

# EXHIBIT 7

Patti Nemeth, M.D.

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

— — —

IN RE DEPAKOTE: :  
RHEALYN ALEXANDER, :  
et al., : No.  
Plaintiffs, : 12-52-NJR-SCW  
vs. :  
ABBOTT LABORATORIES, :  
INC., :  
Defendant. :

DEPOSITION UNDER ORAL EXAMINATION OF  
PATTI NEMETH, M.D.

9:00 a.m.

Rio Rancho, New Mexico

— — —

REPORTED BY: DANA SREBRENICK, CRR, CLR

— — —

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1 Q. I'd like to look at the page that's  
2 stamped number 9.

3 A. Okay, yes.

4 Q. And if you could tell me what that is?

5 A. Okay. That was January 27th, 2004 and  
6 prior to this phone call, she had had some  
7 seizures and episodes and she wanted to know about  
8 -- if she could have another baby, should she be  
9 on Depakote, can she get pregnant, should she  
10 reduce the Depakote?

11 Q. And does that -- that leads me to  
12 believe, and correct me if I'm wrong, does it lead  
13 you to believe that she had some indication of  
14 risks of using a drug like Depakote?

15 A. That -- well, we certainly talked about  
16 it when she came in, so she -- I agree with what  
17 you just said.

18 Q. Then I believe she came to see you, it's  
19 Bates page 10, on February the 4th of 2004?

20 A. Yes.

21 Q. And can you tell me what happened at this  
22 visit when you were treating her?

23 A. We discussed the various antiseizure  
24 medicine. And she was aware that Depakote was  
25 class D and I suggested that we try one of the

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1 others that was class C and that was Lamictal.

2 So at that point I wanted to -- since she  
3 was not pregnant at this time, so I wanted to  
4 slowly start to convert her over to see -- to  
5 Lamictal and to get off Depakote.

6 Q. And can you tell me -- you noted here  
7 that Depakote is class D. Can you tell me what  
8 that means?

9 A. Yes. It indicates -- I think it's an FDA  
10 level class, indicates that that drug has been  
11 tested in animals, female animals in this case,  
12 and shown to cause fetal harm, making it  
13 suspicious that it would also cause harm to  
14 humans, although no human studies were done.

15 But my understanding of class D is that  
16 the potential risks of the drugs -- drug may be  
17 outweighed by -- do I have that right? The  
18 benefit -- no, the benefit may outweigh the risks  
19 of the drug.

20 Q. So just so we're clear, the benefits  
21 outweigh the risks?

22 A. May -- the risks can be outweighed by the  
23 benefits, yes.

24 Q. I'm sorry. Are you saying the risks  
25 could outweigh the benefits of the drug?

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1           A.       Well, certainly it's riskier than a class  
2   C, and then within the class D, there may be some  
3   differences.

4           BY MR. BROSS:

5           Q.       But it doesn't tell you about the actual  
6   risk of using that drug?

7                   MR. KLATT:  Objection, form.

8           A.       By itself, it doesn't, but my knowledge  
9   is that -- that class D drugs can cause fetal risk  
10  -- or fetal harm, I should say.

11          Q.       And you would base this knowledge and  
12  information on the late -- well, strike that.

13                   You would have based this on the  
14  knowledge that you had at the time back in 2003?

15          A.       Yes.

16          Q.       2004?

17          A.       Reading my notes, I -- I did understand  
18  it.

19          Q.       And this would have been something you  
20  shared with Ms. Sansone?

21          A.       Yes.

22          Q.       And, again, what did you recommend at  
23  this time for Ms. Sansone?

24          A.       So we discussed the importance of being  
25  on a seizure medicine while she was pregnant and

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1 I -- she wasn't pregnant at the time, so I told  
2 her we had time to -- to switch to a category C  
3 drug. And I gave her a program of how to increase  
4 each week the Lamictal and decrease the Depakote,  
5 my conversion schedule.

6 Q. What's a conversion schedule?

7 A. Well, just that. So the first day you  
8 start the Lamictal and you just add it to the  
9 Depakote. The next week you bring -- you bring up  
10 the Lamictal and bring down the Depakote. And the  
11 next week you bring the Lamictal up further and  
12 the Depakote down. So it can take four weeks,  
13 eight weeks.

14 Q. And just because a drug's a class C drug,  
15 that doesn't necessarily mean it's safe in  
16 pregnancy?

17 A. Well, correct.

18 Q. Then the next record I see looks like  
19 page 11, dated February the 10th?

20 A. Yes.

21 Q. And here what were you doing?

22 A. Well, she was on the conversion plan and  
23 she had a seizure. And she told my staff that she  
24 was on Depakote 750 twice a day and Lamictal 25  
25 milligrams every other day. I was really going

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1     slow, it looks like.

2                 So I told her to increase the Depakote  
3     and leave the Lamictal and then we'll -- we would  
4     try to increase it, the Lamictal, after checking  
5     the levels in a couple of weeks.

6             Q.     Then on page -- what we have marked as  
7     page 13, there was another phone call dated March  
8     the 8th?

9             A.     Yes.

10            Q.     Can you tell me about that call?

11            A.     Yes. She described nausea, dry heaves,  
12     mood swings and she thought the Lamictal was  
13     making her ill. And she indicated where we were  
14     on the conversion schedule. My feeling was --  
15     based on what she told me was that she probably  
16     wouldn't be able to tolerate Lamictal, and so I  
17     went back down on Lamictal and kept her on  
18     Depakote.

19            Q.     Then it looks like on page 15, May the  
20     11th of 2004, another phone call?

21            A.     Yes. She had a seizure. She called  
22     because she had a seizure and described it as loss  
23     of consciousness, and when she came to, she was  
24     exhausted and groggy. And later that evening, she  
25     woke up in -- and thought she had been drooling

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1 CERTIFICATION

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4 I, DANA N. SREBRENICK, a Certified Court  
5 Reporter for and within the State of New Mexico,  
6 do hereby certify:

7 That the witness whose testimony as herein  
8 set forth, was duly sworn by me; and that the  
9 within transcript is a true record of the  
10 testimony given by said witness.

11 I further certify that I am not related to  
12 any of the parties to this action by blood or  
13 marriage, and that I am in no way interested in  
14 the outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand this 5th day of October 5, 2016.

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DANA N. SREBRENICK, CLR, CRR

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